App. F. IX-4

1927. (Contd)

File No. 236-27

Previous References
31-27 (1-5)

Serial Nos. 1-2

Later References
Letter D/o 235-30.

PRESERVED

General and Revenue Secretariat.

Serial Nos. 1-2

Part B for April 1928.

SUBJECT

Issue of a circular in the matter of recording confessions of accused persons

R. Dis. No 23. D/10-2-28 To All Magistrates.

Instructions in the matter of recording statements under Sec. 164 Cr. Procedure Code are issued.

Ms Yellappa.
19/4/28

2767

App. F. III—2]

General and Revenue Secretariat. File No. of 192 .

Chief Secy's docs ~~not~~ merge

D-1436-C5 Serial No. 2787/27

File may be returned after taking action about the circulars

Gnd n.m 7/12

Put up with a draft. A may refer to the issue of instructions by the Govt of Bombay

Please type this draft

B/ 13/12/27 13/12

Put up with a typed draft for consideration

B/ 15/12

15/12

6955 16/12

Regd (D)

Draft may be approved

1st Memo

15/12

16/12

23 16/12

16/12

24 Issued 17/12

The Regd Cir

No. 3321 of 20.12.27.

Suggests for consideration whether a separate circular may not be issued re recording of confessions other than dying declarations.

Put up with a draft Cir

B/ 3/2

Issued 4507 9/2/28

NOTE—Contn. sheet.

General and Revenue Secretariat. File No. 236 of 192

Serial No.	
2	From The Regr. Chief Court. Letter no R.D.10 Forwards a copy of circulars instructions re the recording of statements and confessions by Provincial and Special Magistrates. Sent for perusal
7	16/2/28 28. Please put up the notes circulating some months ago explaining Amritsar-Nagpur Conspiracy Case statements & confessions recorded under S. 164 Cr. P. Code. 17/2
29	Filed with the file cf. 31-27 Sh. I to 5 contains the notification referred to
	30 For perusal of the Circulars issued by the Ch. Ct. 20/2 Secy 1st March 21/2 22/2

NOTE.—Contn. sheet

Cb236.27-1

To

The Registrar, Chief Court.

Sir,

I am directed to state that an ex-officio First Class Magistrate in Kolar was approached by the D.S.P. Kolar for recording a confession and a statement under section 164 Cr.P.C. The Ex-officio Magistrate referred the police to the Special Magistrate who referred the police back to the ex-officio Magistrate on the ground that the instructions contained in the Chief Court Circular No.R.Dis.1 of 26-27-dated 15th July 1926 refer only to dying declarations and not to confessions and other statements under section 164 Cr.P.C. Subsequently however the Ex-officio Magistrate recorded the confession, and the Dist.Magistrate Kolar, with a view to make the responsibility of Magistrates in such matters clear, thought it necessary to issue the accompanying Circular in the matter. As there seems to be scope for difference of opinion in regard to the interpretation of circular of 15-7-1926, I am to suggest for the consideration of the Chief Court whether a separate Circular may not be issued conveying instructions in the matter of the recording of confessions other than dying declarations under section 164 Cr.P.C.

I have etc.,

Secy.Law Dept.

15/12

4016 1927

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 18th February 1928.

R. O. C. No. 2.....
Dis.

Ch 236.27-2

From

T. SINGARAVELU MUDALIAR,
~~A. Sreenivasaragavachari~~, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-Law.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, BANGALORE.

Sir,

With reference to your letter No. P. 3321/Cts. dated the 20th December 1927, suggesting for the consideration of the Chief Court whether a separate circular may not be issued conveying instructions in the matter of the recording of confessions other than dying declarations under Section 164 Criminal Procedure Code, I am directed to state that the fact that Amildars and Deputy Amildars who are both ex-officio Magistrates and Police Officers may be incompetent to record confessions was the principal factor that weighed while issuing R.Dis. No. 1 of 26-27. As, however, the amended Mysore Criminal Procedure Code makes only those who have taken part in the investigation incompetent to record confessions the Chief Court has now modified the instructions in R.Dis. No.1 in such a manner as to apply to all statements including confessions under Section 164 Criminal Procedure Code. A copy of the revised circular instructions is enclosed for information.

I have the honour to be,
Sir,
Your most obedient servant,

T. Singaravelu
Registrar.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

R. Dis. No. 23 of 1927-28.

Dated the 10th day of February 1928.

The following instructions, in the matter of recording statements under Section 164, Criminal Procedure Code, are issued for the guidance of Magistrates, in super-session of those contained in R.Dis. No.1 of 1926-1927, dated the 15th July 1926:-

Statements or confessions under Section 164 Criminal Procedure Code, including dying declarations may, subject to other provisions of the Criminal Procedure Code, be recorded either by an Ex-officio Magistrate or a Special Magistrate. Where more than one of such Magistrates are stationed in the same place, the requisition for recording the statement under Section 164, Criminal Procedure Code, shall, in the first place instance be made to the Ex-officio Magistrate invested with Magisterial powers of the highest class at that station, and in his absence, or if for good and sufficient cause he is unable to record the statement to the Special Magistrate of the highest class at that station. Thereupon the Magistrate to whom the requisition is made shall record the statement as promptly as practicable.

Sdy. T. Lingaravelu Mudaliar
Registrar.

To

All the Magistrates.

"Copy"
T. Lingaravelu
Registrar